

Montrose Settlements Restoration Program
Trustee Council Meeting Summary
October 9 & 10, 2002
San Francisco

The following primary and alternate Trustee Council (TC) members were present: Bill Conner (National Oceanic & Atmospheric Administration), Jennifer Boyce (National Oceanic & Atmospheric Administration), Dan Welsh (U.S. Fish & Wildlife Service), Andy Yuen (U.S. Fish & Wildlife Service), Jonathan Clark (State Lands Commission), Patty Velez (California Department of Fish and Game), Suzanne Goode (California Department of Parks and Recreation), and Tim Setnicka (National Park Service). Also present were: Chuck McKinley (U.S. DOI, Office of the Solicitor), Kolleen Bannon (National Oceanic & Atmospheric Administration), Pam Castens (MSRP), Greg Baker (National Oceanic & Atmospheric Administration), John Cubit (National Oceanic & Atmospheric Administration), Annie Hoecker (MSRP), Chris Doley (National Oceanic & Atmospheric Administration), and Becky Allee (National Oceanic & Atmospheric Administration).

October 9

10:00 a.m *Avian Conservation Center, San Francisco Zoo*

After a brief introduction by Deputy Director John Mann, the group viewed the bald eagle captive breeding facility. Zoo staff described the breeding program and proposed capital improvements to the facility. After the tour, John Mann explained the proposed budget and TC members were able to ask specific questions.

- Some of the proposed capital improvements included re-roofing the facility, installing an additional staircase, and building additional holding mews. John Mann said that the \$90,000 estimate for the stairway was on the high-end and the Zoo will work with the contractor and MSRP staff to lower costs.
- The Zoo would like to partner with the MSRP on public outreach. The Zoo has a kiosk builder that could design interactive features, including live-streaming video. The Zoo needs to upgrade and install a T1 line at the facility. The potential for partnering with NPS on a microwave link for the Channel Islands was discussed.
- The Cooperative Agreement between the Zoo and FWS was briefly discussed; Dan Welsh described the Agreement and how it can be modified annually. There was general concurrence that funds through this CA should be documented appropriately. John Mann said that the Zoo will have to start tracking invoices separately and he will create a template for approval by the TC that is consistent with standards for cost share.

Actions Items

- ☐ John Mann will develop an invoice template for TC approval.
- ☐ NPS follow-up on funding for microwave link

2:00 p.m. *EPA Building, San Francisco*

Bill Conner opened this session with a review of the agenda.

Report from Cost Group (Kolleen Bannon, Dan Welsh)

- Dan Welsh briefly spoke on past costs.
- NOAA, CDFG, and DOI agencies are to receive money from the court registry accounts within the week.

Actions Items

- ☐ Dan Welsh will send out copy of past costs to Katherine Pease and Tim Setnicka in October for review.

MSRP Activities Since June TC meeting (Pam Castens, MSRP Team)

- a. *Inter-Agency Agreement between NOAA and EPA*: This agreement was signed on September 13, 2002. The scope of the Agreement includes fish collection and analysis, angler update work, and public outreach. The Agreement demonstrates successful coordination between NOAA and EPA.
- b. *Angler Update Study*: Pam gave an update of the study. The contract was awarded to Stratus Consulting on July 30, 2002. This questionnaire was developed by an interagency team. Phase 1 of the study was initiated on August 31, 2002, and is expected to be completed by October 6, 2002. Over 1,000 interviews will be conducted as part of Phase 1.
- c. *NCI Bald Eagle Reintroduction Activities*: The TC was provided an update of all the eagles that were released on Santa Cruz in 2002. As of October 5, 2002, 3 eagles were on Santa Rosa Island, 2 on Santa Cruz, 1 in southwest Wyoming, 1 in east-central California, 1 in a raptor rehabilitation facility in Ojai, 1 was confirmed dead, 2 are assumed dead, and 1 is unknown.
- d. *Catalina Island Bald Eagle Update*: For the 2002 nesting season, four pairs nested and a fifth pair formed but did not complete a nest this year. Eight eggs were produced, of which seven were recovered and two hatched. One of the two that hatched was fostered into the West End nest and successfully fledged. The other that hatched developed a leg injury at the SF Zoo and was later euthanized. Seven eaglets were fostered into nests of which six successfully fledged. No known mortalities occurred in 2002. The current eagle population on Catalina is estimated to be between 19-20 birds of varying ages.
- e. *Fish Sampling Effort*: A joint EPA and MSRP media event occurred on October 3, 2002, at the Cabrillo Marina. Both NOAA and NMFS public affairs personnel were involved. The event was

a success and several television stations were present, including KCAL, FOX, and several Spanish stations. Local radio was also present. Interviews were conducted both in English and Spanish and the press received a packet with information on the fish sampling effort.

f. *Restoration Planning*: A contract was awarded to MEC Analytical on August 6, 2002. Public roundtable workshops are scheduled to be held in Long Beach on November 18, 19, and 20, 2002. The workshops will be broken down by topic: bird, fish, and general restoration planning. Strawman program goals and objectives and initial screening/evaluation criteria will be presented. Discussion will focus on restoration concepts to be carried forward for evaluation. Feedback from the workshops will be incorporated into the draft planning report MEC is preparing. The draft report is expected at the end of January 2003.

It was suggested that a better approach might be to have time between the technical fish and bird workshops and the public workshop. We would present what we have learned from technical workshops to public a few weeks later.

g. *Staffing*: FWS biologist Annie Hoecker began the FWS Montrose position on September 1, 2002. Patty Velez is hoping to get the CDFG position filled soon, but will have to pursue other options if they can't hire someone by the end of the year. There is currently a State hiring freeze. Dennis Bedford has been a marine biologist for 30 years and is based in Los Alamitos and is a potential candidate. Several people expressed the importance of having CDFG representation during the process. It was agreed that the decision needs to be made by January 2003.

Several ideas were discussed:

(1) Have a contract run through Department of Parks and Recreation or State Lands. Time frame could be 6 months or a year at a time and the State hiring freeze would not apply. If the cost is more than \$50,000 then Sacramento would have to approve and it would be a longer process. An MOU is executed with the State Agency.

(2) Proceed with ORISE hire through NOAA to provide fish expertise. ORISE is government program that issues contracts for a period of time. The salary is open and the hire provides their own benefits. This person would not be an official State employee but would be under Patty's direction. It takes 6-12 weeks to bring someone on board. There is a placeholder in the proposed 2003 budget for the ORISE hire. Once the State can hire someone, then the NOAA Restoration Center would take the person. Currently, John Cubit is full-time on MSRP but 2003 would be a transition year.

It was generally agreed that State involvement from beginning is critical. The TC approved the concept of sending a letter to Bob Hight. After some discussion, it was decided that Patty Velez would draft a letter to Patty Wolf.

At the end of this discussion, it was decided that if Patty's letter did not stir some action by the

end of November, then it would be best to proceed with option (1) above and initiate a contract with RCD. TC members supported Bill Conner signing letters on behalf of the TC. Several scientific meetings are occurring in November 2002 and the word should be spread about the position.

There was a question about legal counsel transition. Patty Velez stated that Kathy Verrue hasn't been reassigned.

Action Items

- ☐ MSRP team will provide Jonathan Clarke with a press packet.
- ☐ Patty Velez will draft letter to Patty Wolf and CDFG legal council by the end of October 2002.

Presentation of 2003 Budget

Pam Castens presented the highlights of the 2003 budget. The budget was broken down into the: 1) TC Operating Budget, 2) MSRP Operating Budget, 3) Restoration Planning, 4) Bald Eagle Data Gap Studies, 5) Fish Data Gap Studies, and 6) Media/Public Outreach and Education. The entire budget is \$2.2 million, with a significant portion of that in the bald eagle program.

One discussion point regarding the TC Operating Budget was the indirect rate. FWS charges the biologist day rate, office overhead, and Regional Office overhead. FWS will also have to charge for a 16.84 % DOI indirect cost. There are no indirect rate costs in the NPS budget. All agreed that there should be some consistency between the budgets and that as much money as possible should be saved and put towards restoration efforts.

A decision will be made in the January/February time frame on whether in-house staff or contractors will prepare the remaining sections of the restoration plan. A place holder was included in the budget for a media/outreach person.

Actions Items

- ☐ Pam C. will change Admin costs to \$2,625 instead of \$13,300 for TC operating budget for FWS.
- ☐ Figure how much EPA would contribute to John Cubit's labor costs.
- ☐ TC members need to review numbers and get changes to Pam C.
- ☐ Bill Conner will make a 10-year plan for budget.

Next Meeting Date

Thursday, March 6, 2003, in Long Beach.

**Trustee Council Meeting
Joint Session with EPA
October 10, 2002**

Attendees: Pam Castens, Jennifer Boyce, Patty Velez, Bill Conner, Jonathan Clark, Dan Welsh, Kolleen Bannon, Suzanne Goode, Annie Hoecker, John Cubit, Beatriz Bofill (EPA), Fred Schaufli (EPA), Keith Takata, Greg Baker (NOAA), Chuck McKinley, Roberta Blank (EPA)

EPA/MSRP Partnered Efforts

Fish Sampling Plan

John Cubit discussed background and current status of plan:

- ▶ Design made with group of experts from Department of Health services, EPA, NOAA, etc.
- ▶ Fish collection started August 21, 2002. Several interruptions occurred (red tides, giant squid). To date, over half of white croaker has been caught. Of the 29 locations, white croaker has been caught in every segment. Forty percent of fish have been caught so far. Sampling will continue to November 2002.
- ▶ 24 species all together: those that are the most caught fish along coast and those that they have most concerns about. Only catching pelagic fish from a few places, roaming among segments. Fish are gutted and saved for EPA. They are held in a commercial freezing facility where power outages would not likely occur (backups).
- ▶ NOAA is currently preparing to select labs. John Cubit handed out draft of Request for Qualifications. In one month, a request will be send out to labs. Numbers to be analyzed will be determined based on the initial round of sampling. May separate tasks among labs for most efficient process. Several thousand fish are in first round.
- ▶ Fish fillets will be compared to whole body. Also developing Standard Reference Material for high-end fish. Levels can go up 25-30 ppm DDT in Zone 1 of PV shelf. First fish collected tested 3 ppm, but John wants between 6-10 ppm. First lab showed less than 1 ppm and LACSD tests showed 3 ppm. Additional tests will be run. In the end, there will be 100s of jars with SRM and we will have high degree of confidence in results. People are very interested in contaminant levels, consequently confidence levels should be narrow.
- ▶ Schedule for completion: collection will end in early November 2002, lab will be selected by January 1, 2003, and all fish will be analyzed by late June 2003.

Overall this is a good partnering effort and it is positive to have joint face to the public. The Port has provided docking facilities at no cost for the first month and LACSD did free analysis of samples.

Angler Update Study

Greg Baker gave the following update of the angler update study:

- ▶ Existing information was geographically limited. A committee of knowledgeable people was formed to produce a one-page survey which include a number of showcards. A sample survey was passed around to the TC.
- ▶ The approach did not be to be statistically rigorous. NOAA wanted to design an outreach program and learn how people like to get their information and if they were aware of existing advisories.
- ▶ Stratus was selected as contractor who subbed to CIC for the research. Phase I started August 31, 2002. 1,140 people have been surveyed so far of which 1,100 were successful. Signage is how people mostly find out about precautions. Study is finding out that most people do not know what they are catching. Current schedule is 6 days a week but the pace will be more spread out over June-August 2003.
- ▶ \$200,000 total budget of which \$125,000 is from EPA and \$75,000 is from the TC. Budget is on schedule and money will be available for Spring 2003 surveys. Draft and final deliverables are expected.
- ▶ CBO interested in helping. One person from Cabrillo Aquarium is volunteering.
- ▶ Different modes (pier, beach bank, boat (priv or party)) are divided up according to survey time anticipated. Target areas include most heavily fished and holiday periods to get as many people as possible.

PV Shelf Activities

Fred Schaufler and Beatriz Bofill gave an update of PV shelf activities.

Technical Advisory Meeting

EPA recently issued report on pilot capping project. EPA will bring the report to the advisory meeting in November 2002. A series of ongoing meetings will be held to bring people up to speed on PV shelf activities. Fred is looking forward to productive group discussions and plans to invite USGS to the meetings.

Seafood Contamination Task Force

This umbrella group was formed for outreach as part of the Institutional Controls. Group includes CBOs, ethnic groups, Heal the Bay, Cabrillo Aquarium, City and County representatives. A brochure has been completed and NOAA's role was instrumental in graphically representing information in a clear manner. The Scientific Review Board was the same as the one used for MSRP.

Contaminated Sediments Advisory Group

Guidance came out last February 2002. PV shelf was included in Tier 2 list. Advisory Group makes visits to each of the site with an afternoon session for stakeholders. The site visit to the PV shelf is scheduled for the first week of February 2003. Fred S. will send out letters to stakeholders. Fred wants lead Trustee agency to give a presentation to the group regarding risk management principles. Invitees will include Heal the Bay and LACSD.

Northern Channel Islands Bald Eagle Feasibility Study

Dan Welsh gave brief overview of study. Twelve eagles from SF Zoo or Alaska were released on Santa Cruz in Spring of 2002. The goal is to make releases over a 5-year period and monitor birds in order to evaluate survival, dispersal, diet, etc. Depending on the outcome of the study, birds may be released onto other islands. The goal is to determine whether birds will be able to reproduce without human aid on islands. Eggs on Catalina of western gulls are 3 times more contaminated than on NCI. Peregrine falcon will addressed in restoration planning and there will not be a feasibility study completed on the falcons.

Outreach Activities

On October 20, 2002, a joint booth with EPA will be sponsored at the Cabrillo Seafair in Long Beach. John Cubit is working on a comic book that will be reviewed by Seafood Contamination Taskforce. All ages will be targeted by the comic book and it will be readable at the 3rd grade level. Comic book will be included in the outreach component of the Restoration Plan. Fred S brought up negative reaction to surveyors from the party boats. It was agreed that the wording needs to be carefully selected.

Overview of EPA Activities (Fred S)

- ▶ Three paths since EE/CA report in March 2000: 1) Capping 2) Ecorisk 3) Institutional Controls. IC's Action Memo was released in September 2001. EPA is bringing someone on board to focus on ICs portion. The Ecorisk needs to be finalized by March 2003. The Remedial Investigation/ Feasibility Study is planned for June 2003.
- ▶ The pilot cap will be monitored for the last time in March 2002. EPA is looking at recolonization, physical changes to cap, as well as chemical concentrations. Assuming everything goes well, the construction of cap could begin in 2007.

ECORISK (Beatriz Bofill)

- ▶ The Ecorisk is a draft, streamlined version under EE/CA. Contract with CH2MHill was awarded. Currently gathering recent data and reviewing toxicological benchmark data.
- ▶ Including marine mammals in assessment with focus on California sea lion as a receptor. Birds will include bald eagle, peregrine falcon, cormorant, and brown pelican. Jennifer Boyce asked about the ash storm petrel and noted that pelicans have pretty much recovered. Dan Welsh agreed that of the seabirds, the ash storm petrel was most impacted. EPA will look into it.

- ▶ The Ecological risk model will be GIS based with colocations of fish and contaminants. EPA is hoping to get model done in March 2003. Model will assist in developing a framework for evaluating capping alternatives. One possibility would be to cap "hotspots."

Action Memo for Institutional Controls (Fred S.)

Three primary areas:

1. *Public Outreach and Education* (Human Health related).
2. *Monitoring* (markets in LA/Orange Counties and ocean): multi-year effort, more comprehensive than previous studies by Heal the Bay, Montrose, Hansen and Lovestory.
3. *Enforcement* of white croaker fishing ban and catch limit.

This large of an IC program is unusual for Superfund. EPA has the long-term goal of putting ICs in the hands of local groups for two reasons: 1) need local presence, and 2) the Santa Monica Bay Project does do or would like to do similar actions. An RFP is going out this week with a 30-day bid period. Contractor will be selected in January 2003. EPA would like to see Santa Monica Bay Project to be program manager. This action would increase efficiency by removing several layers.

Pilot Capping Project (Fred S)

Project was designed to test feasibility of placing cap on contaminated sediment on varying conditions. In Summer of 2000, the cap was placed on 3 cells of 45 acres each just past the White Point outfall. The fourth cell was cut out for budget reasons. Cap is located on continental shelf portion of site covering 3 square miles. The continental slope is too steep to hold cap for the long-term. The pilot program tests different water depths. Several methods were used for spreading clean sediment. LD spreading method (9 loads) is across the length of the cell and uses more uniform sand rather than silt. The borrow site was the Queensgate A3 site. A total of 5-6 million cubic yards of sediment was borrowed. Both methods performed closely in terms of cell thickness. A 300-foot long hopper dredge was used but it was hard to get out in uniform manner. Dredge has GPS unit. The LU has the tallest loads and ends up as a more complete cap, whereas the SU is concentrated in the middle.

Key results of pilot cap indicated that capping is feasible, that EA sediment disturbance is limited, and there was no evidence of cap or EA sediment instability. Supplemental surveys will occur consisting of box coring, erosion testing, sediment photos, and recolonization studies.

Trustee Council Budget, Cont.

Bill Conner presented his analysis of a 10-year budget timeline. After the presentation, Bill recommended approval of the 2003 budget unless figure goes above 10% of the total that was presented in budget package.

Dan Welsh suggested that similar analysis be completed yearly. Suzanne G suggested that the table be re-adjusted every year based on actual costs. Tim Setnicka gave his vote to Dan Welsh.

The TC agreed to approve of the entire 2003 budget under the condition that it does not exceed 10% of the figure presented in the budget package.

Action Items

- ☐ Readjust budget numbers based on corrections/additions by TC members
- ☐ Draft 1-page resolution that refers to budget package and new tables. The totals for each agency will be summarized and reporting requirements (including invoicing) will be clearly laid out.